

**BRESSLER, AMERY & ROSS**

A Professional Corporation

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*Attorneys for Certain Underwriting Members of  
Lloyd's Syndicates 623 and 2623*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

PARENTS FIRST HOMECARE, INC.,  
DAVID GIACOBBO,

Plaintiffs,

v.

CERTAIN UNDERWRITERS AT LLOYD'S  
OF LONDON,

Defendant.

Civil Action No. \_\_\_\_\_

**NOTICE OF REMOVAL**

**TO THE CLERK OF COURT:**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Certain Underwriting Members of Lloyd's Syndicate 623 and 2623 (together, "Underwriters"), by and through its undersigned counsel, Bressler, Amery & Ross, P.C., hereby removes the third party case (insurance coverage dispute) styled as *Parents First Homecare, Inc., David Giacobbo v. Certain Underwriters at Lloyd's of London*, Docket No. BUR-L-1035-18 (the "State Court Action"), from the Superior Court of New Jersey, Law Division - Burlington County, where it is now

pending, to the United States District Court for the District of New Jersey. The grounds for removal are as follows:

1. On or about September 26, 2018, Parents First Homecare, Inc. and David Giacobbo (the “Plaintiffs”) initiated the State Court Action seeking insurance coverage by filing a Third Party Complaint in the Superior Court of New Jersey, Law Division - Burlington County, against Underwriters. In accordance with 28 U.S.C. § 1446(a), a true and correct copy of the Third Party Complaint is attached hereto as **Exhibit A**.

2. On October 3, 2018, Plaintiffs served a copy of the Third Party Complaint on Underwriters. As such, this Notice of Removal is being timely filed pursuant to 28 U.S.C. § 1446(b) because it is filed within 30 days of service.

3. Upon information and belief, Plaintiff Parents First Homecare, Inc. is a Pennsylvania corporation doing business in New Jersey with its principal place of business in Pennsylvania, and Plaintiff David Giacobbo, President and Director of Operations of Parents First Homecare, Inc., is a citizen of Pennsylvania. Underwriters is a foreign company organized under the laws of the United Kingdom, with its principal place of business in the United Kingdom.

4. Accordingly, there is complete diversity between Plaintiffs and Underwriters. Pursuant to 28 U.S.C. § 1441(b), the State Court Action (*i.e.* the third party action) is removable because no party in interest properly joined and served as a third party defendant is a citizen of the State of New Jersey, the state in which the action was brought.

5. Plaintiffs have alleged and demanded (i) a declaratory judgment plus costs of suit, attorney’s fees, and pre- and post-judgment interest, and (ii) compensatory damages, plus costs

of suit, attorney's fees, pre- and post-judgment interest for its claims of breach of the duty of good faith and fair dealing. *See* Exhibit A (Third Party Complaint) at 3-6.

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 because this is a civil action in which the amount of controversy exceeds the sum of \$75,000.00, exclusive of costs and interest, and Plaintiffs and Defendant are all citizens of different states.

7. The United States Court for the District of New Jersey is the appropriate venue for filing a Notice of Removal from the Superior Court of New Jersey, Burlington County, because it is the "district division embracing the place where such action is pending." 28 U.S.C. § 1441(a).

8. The Third Party Complaint was the first pleading that contained any information about the claimed damages and the nature of Plaintiffs' claims against Underwriters, and the first pleading from which the basis for removal could be determined. No previous application has been made for relief requested herein.

9. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal, together with a copy of this Notice of Removal and attached exhibits, is being filed with the Clerk of the Superior Court of New Jersey, Burlington County, and served upon counsel for Plaintiffs. A copy of the Notice to the State Court of Filing of Notice of Removal is attached as **Exhibit B**.

10. Accordingly, this Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, and the case may be removed pursuant to 28 U.S.C. § 1441.

11. In filing this Notice of Removal, Underwriters reserve any and all defenses, objections, and exceptions, including without limitation those relating to jurisdiction, venue, and statutes of limitation.

WHEREFORE, Defendant Certain Underwriting Members of Lloyd's Syndicate 623 and 2623 submits this notice that the State Court Action is removed from the Superior Court of New Jersey, Law Division - Burlington County, to the United States District Court for the District of New Jersey.

Dated: Florham Park, New Jersey  
October 24, 2018

BRESSLER, AMERY & ROSS, P.C.

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